IN THE

SUPREME COURT OF INDIANA

IN THE MATTER OF	)	
	)	
TRIAL RULE 81	)	
	)	**Cause No.**
SCHEDULE AND FORMAT	)	
	)	
FOR LOCAL COURT RULES	)	

AMENDED SCHEDULE AND FORMAT FOR ADOPTION OF LOCAL COURT RULES

The Indiana Supreme Court Division of State Court Administration, a statutorily created office of the Chief Justice of Indiana, is charged pursuant to Trial Rule 81 with certain duties regarding the promulgation of local court rules. Those duties include establishing and publishing a uniform annual schedule for adoption and amendments of local rules, and a standard format for drafting, amending, and numbering local rules.

Effective January 1, 2007, all local rules in a county must apply in all courts of record in the county. However, after that date local rules may apply only to certain types of cases as long as they apply in all courts. ~~Rules applicable in less than all courts (until January 1, 2007) or in less than all types of proceedings are referred to as "local subsets".~~

1. ***Schedule.*** Pursuant to Trial Rule 81(C), the following schedule shall apply for local rules promulgated after January 1, 2005, except those that fall under the exception of T.R. 81(D).

Notice of proposed local rules:	*March 15*
Close of comment period:	*May 1*
Final adoption:	*July 15*
Submission for Supreme Court approval	
(as to rules specified in section 8)	*August 1*
Supreme Court approval	
(as to rules specified in section 8)	*October 1*
Effective date	*January 1*

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2. Content of the notice. Not later than March 15 of each year the courts in any county desiring to adopt or modify local rules shall give notice to the bar and public of the content of any proposed additions, modifications, or deletions to local rules. The notice shall include:

> (a) the address to which comments should be sent;
> (b) comments by the bar and public will be received until May 1;
> (c) the proposals will be adopted, modified, or rejected by July 15; and
> (d) the effective date of the proposed rules shall be January 1 of the following year.

3. Standard format for drafting and amending local rules.   All proposed local rules not yet effective shall be marked by new text shown by <u>underlining</u> and the deleted text shown by ~~striking~~. All rule modifications or additions must clearly indicate old and new language.

4. Publication of the notice. Publication of the notice is accomplished when the courts of a county provide the notice indicating the text of the proposed local rule(s) to the county clerk and to the Division of State Court Administration in digital format. The county clerk shall post the notice in the county clerk's office(s) and on the county clerk's website, if any. The Division of State Court Administration shall post the proposal on the Indiana Judicial Website for public inspection and comment. Notice shall also be given to the president and secretary (or, if none similar officers) of any local bar association.

5. Close of comment period. The courts of the county shall accept comments for 45 days, until May 1. After May 1, the courts shall review and study the comments received and make changes to the proposed rules as deemed advisable.

6. Adoption of local rules. The court shall adopt the final local rules on or before July 15 of each year.

7. Effective date of local rules.   All local rules, whether or not requiring Supreme Court approval, shall become effective January 1 of the following year.

8. Local rules that require Supreme Court approval.

> *a.*   Supreme Court approval is required only for local rules within any of the following categories:

> > i. local rules for special judge selection in civil cases pursuant to T.R. 79(H);
> > ii. local rules for assignment of criminal cases and selection of successor judges pursuant to Criminal Rule 2.2;
> > iii. local rule regarding court reporter services pursuant to Administrative Rule 15;

iv. case reallocation plans pursuant to Weighted Caseload Measures system as ordered by Supreme Court Order on July 16, 1999.

All courts of record in each county are required to have a common local rule in each of the above categories.

b. Not later than August 1 of each year, the court shall submit to the Supreme Court all newly adopted local rules that require Supreme Court approval by sending a Request for Approval of Local Rules to the Clerk of the Indiana Supreme Court. The Clerk shall enter the Request in the Supreme Court Chronological Case Summary and shall forward the Request to the Division of State Court Administration.

c. The Supreme Court will act upon Requests not later than October 1. The Supreme Court may approve the proposal as submitted, approve a modified version, or reject the proposal.

d. The Supreme Court order approving the Request for Approval of Local Rules shall be entered of record in the Record of Orders and Judgments of each local court in which it is effective.

e. A local rule requiring Supreme Court approval is not effective until the Supreme Court enters an order approving it.

9. Uniform numbering. The uniform local rule numbers shall consist of ~~six (6)~~ five (5) groups of characters. They shall (a) identify the draft as a local rule, (b) the county, (c) the Supreme Court rule set to which the local rule pertains, (d) the Supreme Court rule number to which the local rule refers, ~~(e) if a local subset exists, a reference to the local subset~~, and ~~(f)~~ (e) the local sequence. The five sets of characters shall be separated by dashes.

a. LR designation. The first set of characters of a local court rule number shall be "LR" to indicate a local court rule.

b. County identifier. The second set of characters of a local court rule number shall be a two-digit county identifier which comports with the county identifiers found in Administrative Rule 8.

The "LR" designation and county identifier shall be followed by a dash.

c. Rule sets and priority for organizing local rules. The third set of characters of a local court rule number shall indicate the state rule set to which the local rule pertains. The rule set identifier shall consist of two letters and shall be as follows:

Rules of Trial Procedure   TR

Rules of Criminal Procedure	CR
Small Claims Rules	SC
Petitions for Post Conviction Relief	PC
Jury Rules	JR
Administrative Rules	AR
Trial De Novo Rules	DN

As a first preference and to the extent possible, local rules should be correlated to the Indiana Rules of Trial Procedure in content and numbering and should be designated as "TR." Local rules that cannot logically fit within the context of the trial rules may be correlated to one of the remaining Supreme Court rule sets.

Local rules for domestic relations, trust/probate/guardianship and juvenile cases, which cannot logically fit into one of the Indiana Rules of Trial Procedure or one of the foregoing sets of Supreme Court Rules, may be designated as follows:

Family Law	FL
Trust/Probate/Guardianship	PR
Juvenile	~~JR~~ JV

A court that proposes to promulgate local rules that cannot logically fall under the foregoing rule set designations should contact the Division of State Court Administration with suggestions and reasons for amendments to the foregoing rule sets.

d. State level rule set numbers. The fourth set of characters of a local court rule number shall identify the state level rule set to which the local rule relates.

In the event a local rule relates to a state rule set but is purely of a local nature and has no corresponding number within the state rule set, the state rule number shall be "00" so that there is no possibility of duplication.

~~EXAMPLE: A local administrative rule regarding dress code would fit under the general context of the state level Administrative Rules (AR). However, because there is no state rule regarding dress code, the fourth set of characters would be "00" so that the rule would be numbered LR49-AR00-AD-1.01. This number indicates a local Marion County rule relating to the state administrative rules. In this instance the local subset has been designated as "AD" and the local sequence is 1.01.~~

~~*e. Local subset.* The fifth set of characters shall identify the local subset of rules. These may identify the application of the rule either by name or by describing the proceeding(s) to which it applies. This allows flexibility for the~~

~~county to differentiate among the different courts, jurisdictions, and practices. The local subset identifier should be limited to four (4) characters.~~

The state level rule set and rule number shall be followed by a dash.

f. e Local sequence. The ~~sixth~~ fifth ~~group~~ set of characters shall consist of any number of characters assigned by the local courts to indicate a local sequence.

Example of an Adams County rule on criminal case assignment: LR01-CR2.2-1

Example of a Marion County rule on dress code: LR49-AR00 -1 . A local rule regarding dress code would fit under the general context of the state level Administrative Rules (AR). However, because there is no state rule regarding dress code, the fourth set of characters would be "00."

These standards shall remain in effect until amended.

Date   _____

_____
Executive Director
Indiana Supreme Court
Division of State Court Administration